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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,788	10/27/2003	Shu-Chen Chou	4392-0141P	1031
2292	7590	02/01/2006		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
			EXAMINER PRASAD, SONAL	
			ART UNIT	PAPER NUMBER
			3767	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/692,788	<b>Applicant(s)</b> CHOU ET AL.	
	<b>Examiner</b> Sonal Prasad	<b>Art Unit</b> 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/15/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, & 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Liu (US 5,931,813.) Liu discloses a destructible barrel used in a syringe, comprising: a body for containing an injection fluid, the body having a first end and a second end; a needle seat connected to the first end of the body through a connection portion; and a destruction device being movably engaged with the first end of the body; wherein, responsive to an user operation, the destruction device breaks the connection portion to destructively separate the needle seat from the body. (Claims 1-4, Fig. 1)

Regarding claim 2, Liu discloses the destructible barrel wherein the needle seat and the body are molded as an integral one-piece casting. (Fig. 1)

Regarding claim 3, Liu discloses the destructible barrel wherein the destruction device includes a knob being rotatably engaged with the first end of the body. (Fig. 1, #26)

Regarding claim 4, Liu discloses the destructible barrel wherein the needle seat further comprises a first spiral surface and the knob further comprises a second spiral surface corresponding to the first spiral surface. (Fig. 1)

Regarding claim 5, Liu discloses the destructible barrel wherein the user operation comprises rotating the knob to make the second spiral surface push against the first

spiral surface, and the connection portion is broken consequently to separate the needle seat from the body. (Fig. 3 & 4)

Regarding claim 6, Liu discloses the destructible barrel wherein the needle seat further comprises a plurality of first spiral surfaces, and the knob further comprises a plurality of second spiral surfaces corresponding to the plurality of the first spiral surfaces, and wherein the user operation comprises rotating the knob to make the plurality of the second spiral surface push against the plurality of the first spiral surface, and the connection portion is broken consequently to separate the needle seat from the body. (Fig. 6)

Regarding claim 9, Liu discloses a destructible safety syringe, comprising: a needle hub; a barrel including a body, a needle seat and a destruction device, the body containing an injection fluid, and the body having a first end and a second end, the needle seat being connected to the first end of the body through a connection portion, and the needle seat supporting the needle hub (Fig. 1), the destruction device being movably engaged with the first end of the body; and a plunger being disposed inside the body and being able to move along the axis; wherein, in response to an user operation, the destruction device breaks the connection portion to destructively separate the needle seat from the body. (Abstract.)

Regarding claim 10, Liu discloses the destructible safety syringe wherein the needle seat and the body are molded as an integral one-piece casting. (Fig. 1)

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Regarding claim **11**, Liu discloses the destructible safety syringe wherein the destruction device includes a knob being rotatably engaged with the first end of the body. (Fig. 1, #26)

Regarding claim **12**, Liu discloses the destructible safety syringe wherein the needle seat further comprises a first spiral surface and the knob further comprises a second spiral surface corresponding to the first spiral surface. (Fig. 1)

Regarding claim **13**, Liu discloses the destructible safety syringe wherein the user operation comprises rotating the knob to make the second spiral surface push against the first spiral surface, and the connection portion is broken consequently to separate the needle seat from the body. (Fig 3 & 4)

Regarding claim **14**, Liu discloses the destructible safety syringe wherein the needle seat further comprises a plurality of first spiral surfaces, and the knob further comprises a plurality of second spiral surfaces corresponding to the plurality of the first spiral surfaces, and wherein the user operation comprises rotating the knob to make the plurality of the second spiral surface push against the plurality of the first spiral surface, and the connection portion is broken consequently to separate the needle seat from the body. (Fig. 6)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 7-8, & 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 5,931,813) in view of Li (US 2004/0039334 A1). The claims differ from Liu in disclosing a cover. Li discloses the cover that when pushed allows the closed part to shelter the first end of the body after the needle seat is separated from the body. (Abstract.) Li additionally discloses the cover sheltering the first end of the body and the needle seat being pushed by the plunger to break the needle hub. (Abstract.) It would have been obvious at the time of invention to one of ordinary skill in the art to allow the cover to both push the closed part to shelter the first end of the body as well as to be pushed by the plunger to break the needle hub.

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonal Prasad whose telephone number is 571-272-3383. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sonal Prasad  
Examiner  
Art Unit 3767

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1/3/10